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12
13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA
14

15 UNITED STATES OF AMERICA,)

16 Plaintiff,)

17 v.)

18 EDWIN FUJINAGA,)

19 Defendant.)
20)
21)
22)
23)
24)

2:15-cr-00198-LDG-NJK

**STIPULATION AND PROTECTIVE
ORDER**

22 The United States, by and through its undersigned counsel, and defendant Edwin
23 FUJINAGA, by and through his undersigned counsel (hereinafter “the parties”), respectfully
24

1 move for the entry of a Protective Order governing discovery provided to defendant FUJINAGA
2 in this matter in accord with the following Stipulation.¹

3 **STIPULATION**

4 Whereas, the parties recognize that various federal and state laws and regulations extend
5 protections and limitations regarding the use, disclosure or publication of information associated
6 with the privacy and identity of an individual, including, but not limited to, social security
7 number, date of birth, address, telephone number, driver's license number, financial information,
8 banking information, and tax information, which is hereinafter collectively referred to as
9 "Protected Personal Information" ("PPI").

10 Whereas, the parties recognize that discovery in the above-captioned case is likely to be
11 voluminous and may include documents and other evidence containing PPI or that are otherwise
12 sensitive.

13 Whereas, the parties desire to provide for the timely and expeditious exchange of
14 discovery while simultaneously guarding against the inappropriate use, disclosure, or publication
15 of any PPI associated with any party or third party or any other sensitive information.

16 Whereas, in light of the above, the parties have conferred on this matter and have reached
17 agreement on the exchange and handling of materials provided in discovery.

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned
19 parties, as follows:

20 1. All materials provided as discovery by the government, including, but not limited
21 to, recordings, investigators' or agency reports, witness statements, memoranda of interviews,

22 ¹ Given that defendants JUNZO SUZUKI and PAUL SUZUKI have not been arraigned,
23 discovery is not being provided to them at this point. At an agreed-upon point following their
24 arraignment in this district, discovery will be provided to them, and at that time a similar
stipulation and proposed protective order will be filed with respect to them.

1 computer hard drives and other electronic media, and any other documents provided by the
2 government other than trial exhibits (*i.e.*, items actually admitted during the trial and made part
3 of the record), in preparation for or in connection with any stage of the proceedings in this case,
4 including pre-indictment, shall be referred to as “Discovery Materials.”

5 2. The government may produce Discovery Materials to the defendant without
6 redacting PPI.

7 3. Unless otherwise authorized by the Court, access to Discovery Materials
8 produced by the government will be restricted to the defendant, attorneys for the defendants, and
9 any agents, contractors, or employees acting on behalf of the defendant and/or his attorneys in
10 connection with the above-captioned matter (hereinafter referred to collectively as “Authorized
11 Person(s)").

12 4. Attorneys for the defendant will ensure that all Authorized Persons receive a copy
13 of this Stipulation and are familiar with its terms and conditions.

14 5. Unless otherwise Ordered by the Court, an Authorized Person shall not:

- 15 a. grant or permit access to Discovery Materials by any non-Authorized Person.
- 16 b. allow or permit any non-Authorized Person to read, review, or reproduce any
17 Discovery Materials.
- 18 c. distribute any Discovery Materials, by any means, to any non-Authorized
19 Person.
- 20 d. use or disclose Discovery Materials for any purpose other than in connection
21 with the defense of the above-captioned matter.
- 22 e. use or disclose Discovery Materials in connection with any pleadings or
23 proceedings in the above-captioned matter without first redacting any PPI,
24 unless the PPI is directly relevant to the matter at issue.

1 f. use or disclose PPI in connection with any pleadings or proceedings in the
2 above-captioned matter, unless the PPI is directly relevant to the matter at
3 issue.

4 6. Unless otherwise authorized by the Court, upon conclusion of the above-
5 captioned matter, the defendant's attorney shall return any and all copies of Discovery Materials
6 to the attorneys for the United States, or provide them with written certification that the
7 Discovery Materials have been destroyed.

8 7. Nothing in the agreement shall be deemed an admission of the evidentiary
9 admissibility or inadmissibility of any of the Discovery Materials in any subsequent proceeding.

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WHEREFORE, the undersigned respectfully request that the Court accept and enter this Stipulation as the Protective Order governing discovery in this case.

Respectfully submitted,

ANDREW WEISSMANN
Chief, Fraud Section, Criminal Division
United States Department of Justice

/s/ Albert B. Stieglitz, Jr.
ALBERT B. STIEGLITZ, JR.
Assistant Chief

July 17, 2015
Date

MELISSA AOYAGI
Trial Attorney
Criminal Division, Fraud Section

DANIEL G. BOGDEN
United States Attorney
District of Nevada

/s/ Steven W. Myhre
STEVEN W. MYHRE
First Assistant United States Attorney
District of Nevada

July 17, 2015
Date

/s/ William T. Jorden
WILLIAM T. JORDEN
Counsel for Defendant
EDWIN FUJINAGA

July 17, 2015
Date

IT IS ORDERED

This 20th day of July, 2015.


~~UNITED STATES DISTRICT JUDGE~~
UNITED STATES MAGISTRATE JUDGE